

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

6.584 ACRES OF LAND, MORE OR
LESS, SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS; AND HEIRS OF
ROMULO CAVAZOS, ET AL AND HEIRS
OF RAUL CAVAZOS, *ET AL.*,
Defendants.

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CASE NO. 7:20-CV-244

**JOINT STIPULATION FOR REVESTMENT AND
MOTION FOR ENTRY OF FINAL JUDGMENT**

Plaintiff, the United States of America, and Defendants, Eloisa Rosa Cavazos, Jose C. Anzaldua, Jr., Aurora A. Garcia, Norma A. Anzaldua, Maria Elena Ovalle, Yolanda Martinez, Delia A. Mendoza, Betty Anzaldua, Rebecca Serrano, Patrick Anzaldua, Ronald R. Anzaldua, Ernesto Flores, Jr., Imelda Flores Gonzalez, Elvira Flores Deanda, Jorge Flores, Robert E. Flores, Jr., Emma Catherine Flores, Joseph Flores, Dora Flores, Victoria M. Flores, Natalie Flores-Henley, Pablo “Paul” Villarreal, Jr. as the Hidalgo County Tax Assessor/Collector, and Janette Cavazos (Power of Attorney for Defendants: Humberto Cavazos, Rogerio Cavazos, Jr., Maria Rosario Cavazos, Bertha Oralia Cavazos, Ruben Cavazos, Gloria Dalia Guerra, Pablo Servando Guerra, Juan Lino Guerra, Gloria Diana Saucedo, Jaime Cavazos, Michelle Alejandro, Angie Marin, Keila Cavazos, Ariana Pitalua, Rebecca Hernandez, Paula Gonzalez, Melissa Salazar, Maribel Cavazos, Melinda Cavazos, and Ruben Cavazos) (collectively hereafter “Defendants”), do hereby stipulate

to the revestment of Tract RGV-MCS-2119 as described in Schedules “C”, “D”, and “E” of the Declaration of Taking.¹ The parties further stipulate and agree as follows:

A. Background

1. On August 27, 2020, the United States of America (“United States”) filed a Declaration of Taking and Complaint in Condemnation to acquire 6.584 acres in fee simple identified as Tract RGV-MCS-2119.²

2. On September 4, 2020, the United States deposited three hundred forty-seven thousand eight hundred eighty-seven dollars and 00/100 (\$347,887.00) into the Registry of the Court as estimated just compensation for Tract RGV-MCS-2119.³

3. Pursuant to 40 U.S.C. § 3114(b)(1), upon deposit of the estimated just compensation, title to Tract RGV-MCS-2119 vested in the name of the United States by operation of law on September 4, 2020.⁴

4. The United States obtained possession of Tract RGV-MCS-2119 on April 12, 2021.⁵

B. Stipulation of Revestment

5. Pursuant to 40 U.S.C. § 3117, the United States may agree or stipulate to the revestment of condemned property to resolve condemnation cases.

6. The United States and Defendants jointly stipulate and agree that all right, title,

¹ Dkt. No. 2.

² Dkt. Nos. 2 & 1, respectively.

³ Dkt. No. 10.

⁴ Upon the filing of the Declaration of Taking and depositing the estimated compensation in the Registry of the Court, the following events occur by operation of law: “(1) title to the estate or interest specified in the declaration vests in the Government; (2) the land is condemned and taken for the use of the Government; and (3) the right to just compensation for the land vests in the persons entitled to the compensation.” 40 U.S.C. § 3114(b); *see E. Tennessee Nat. Gas. Co. v. Sage*, 361 F.3d 808, 825 (4th Cir. 2004) (in a Declaration of Taking Act case, “[t]itle and the right to possession vest in the government immediately upon the filing of a declaration and the requisite deposit.”).

⁵ Dkt No. 59.

and interests acquired by the United States associated with or appurtenant to Tract RGV-MCS-2119 are hereby REVESTED back to Defendants with all title and rights as existed immediately before the filing of the Declaration of Taking and vesting of title in the United States.

7. Defendants hereby agree to accept such REVESTMENT of Tract RGV-MCS-2119.

8. The legal description and survey of Tract RGV-MCS-2119 that is being REVESTED to Defendants are found in Schedule “C” and “D” of the Declaration of Taking⁶ and attached hereto as Exhibits 1 and 2.

C. Stipulation of Regarding Just Compensation Funds and Motion for Final Judgment

9. The Parties further make a stipulation as to the just compensation owed for the time the United States held title (and possession) as to Tract RGV-MCS-2119, and move for final judgment and termination of this case as follows:

- A. United States and Defendants confirm and agree that the full and just compensation payable by the United States for the time that United States held title and possession as to Tract RGV-MCS-2119 is the sum of five hundred and 00/100 dollars (\$500.00). This sum is all-inclusive and in full satisfaction of any claims of whatsoever nature by Defendants against the United States for the institution and prosecution of the above-captioned action. Defendants further agree to waive any and all claims for additional compensation of any nature against the United States arising from the United States’ acquisition of Tract RGV-MCS-2119.
- B. The Parties now respectfully request that judgment be entered against the United States in the amount of five hundred and 00/100 dollars (\$500.00) for the time the United States held title (and possession) as to Tract RGV-MCS-2119.
- C. Upon the Court’s Order entering final judgment in accordance with the instant stipulation of revestment, the Parties seek immediate distribution of the total sum on deposit as follows:

⁶ Dkt. No. 2.

- i. The sum of \$500.00, along with any accrued interest earned thereon while on deposit, payable as follows:

- \$256.00 payable to the order of Eloisa Rosa Cavazos

- \$6.10 payable to the order of:

Jose C. Anzaldua, Jr.	Humberto Cavazos
Aurora A. Garcia	Rogelio Cavazos, Jr.
Norma A. Anzaldua	Maria Rosario Cavazos
Maria Elena Ovalle	Bertha Oralia Cavazos
Yolanda Martinez	Ruben Cavazos
Delia A. Mendoza	Gloria Dalia Guerra
Betty Anzaldua	Pablo Servando Guerra
Rebecca Serrano	Juan Lino Guerra
Patrick Anzaldua	Gloria Diana Saucedo
Ronald R. Anzaldua	Jaime Cavazos
Ernesto Flores, Jr.	Michelle Alejandro
Imelda Flores Gonzalez	Angie Marin
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Jorge Flores	Ariana Pitalua
Robert E. Flores, Jr.	Rebecca Hernandez
Emma Catherine Flores	Paula Gonzalez
Joseph Flores	Melissa Salazar
Dora Flores	Maribel Cavazos
Victoria M. Flores	Melinda Cavazos
Natalie Flores-Henley	Ruben Cavazos

- ii. The remaining sum of \$347,387.00, with accrued interest, payable to the order of “F&A Officer, USAED, Fort Worth,” with the check referencing “Tract RGV-MCS-2119.”

- The current Finance and Accounting (F&A) Officer for the U.S. Army Engineer District, Fort Worth is:

Charanne Marshall
Finance and Accounting Officer
U.S. Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Room 3A37
Fort Worth, Texas 76102

D. Defendants warrant they were the sole owners of the interest in the property taken in this proceeding on the respective date of taking.

E. In the event the event any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in the

property taken in this proceeding, Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants, to the date of repayment into the Registry of the Court.

F. The Parties shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.

G. The Parties shall take no appeal from any rulings or judgment made by the Court in this action, and the parties' consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulation.

H. This joint stipulation and motion is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.

I. The Parties request that the Court enter an Order of Final Judgment reflecting this Stipulation and closing this case.

Respectfully submitted,

BY:

JENNIFER B. LOWERY

Acting United States Attorney
Southern District of Texas

/s/ Erin D. Thorn

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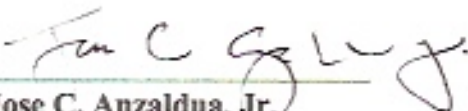
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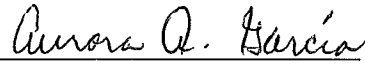
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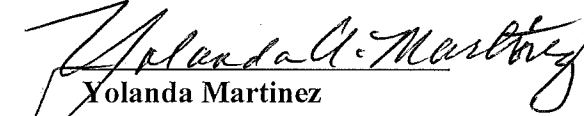
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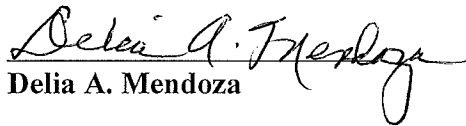
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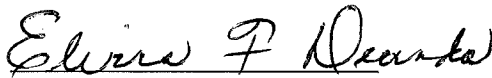
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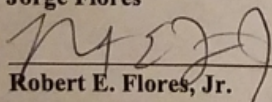
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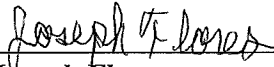
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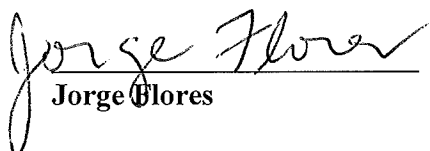
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Betty Anzaldua

Rebecca Serrano

/s/ Patrick Anzaldua (with permission)

Patrick Anzaldua

Ronald R. Anzaldua

Ernesto Flores, Jr.

Imelda Flores Gonzalez

Elvira Flores Deanda

Jorge Flores

Robert E. Flores, Jr.

Emma Catherine Flores

Joseph Flores

Dora Flores

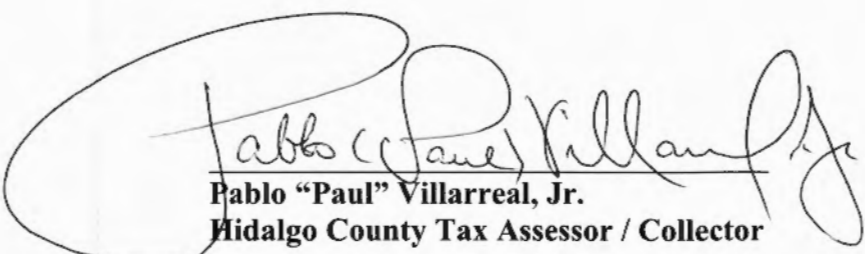
Victoria M. Flores

Natalie Flores-Henley

Janette Cavazos

Power of Attorney for Defendants:

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Pablo "Paul" Villarreal, Jr.
Hidalgo County Tax Assessor / Collector

CERTIFICATE OF SERVICE

On November 30th, 2021, I filed the foregoing document with the clerk of court for the U.S. District Court, Southern District of Texas. I hereby certify that I have served the document on all counsel and *pro se* parties of record by a manner authorized by Federal Rules of Civil Procedure 5 (b)(2).

By: /s/ Megan Eyes
MEGAN EYES
Assistant United States Attorney